HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

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HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

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WRIT APPEAL NO.2017 OF 2005

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Between:

Sri Krishnadevaraya University,

Anantapur, rep. by its Registrar … Appellant

and

K.V.S.R. Degree College, Allagadda-518543,

Kurnool District rep. by its Secretary and

Correspondent G. Sreenath Reddy and

another ... Respondents

::JUDGMENT::

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Counsel for the appellant : Sri M. Ramalingeswara Reddy

Counsel for respondent No.1 : Sri D.V. Sitaramamurthy

Counsel for respondent No.2 : Sri C. Sudesh Anand

27th MARCH, 2006

Per G. S. Singhvi, CJ

Feeling dissatisfied with order dated 20th September, 2005 passed by the learned Single Judge in W.P. No.20210 of 2005, Sri Krishnadevaraya University, Anantapur has filed this appeal under Clause 15 of Letters Patent.

While admitting the appeal on 20th of October 2005, the Division Bench passed the following order in W.A.M.P. No.3575 of 2005:

"The impugned judgment of the learned Single Judge is stayed".

On receipt of notice of the appeal, the writ petitioner filed W.A.V.M.P.

No.519 of 2006 for vacating the aforementioned order.

At the hearing of vacate petition, learned counsel for the parties made an agreed statement that the main appeal be disposed of.

The learned counsel for the appellant-University points out that before passing of the impugned order by the learned Single Judge, the Vice-Chancellor of the University had recorded the following note on 03-9-2005:

> "The Committee's report is vague and differs with the original JIC report in respect of the number of students admitted, extent of land, buildings, etc. And also, in view of the fact that PG and UG admissions are practically over for the year 2005-2006, starting of M.Sc. course in Chemistry is not recommended."

The learned counsel for the writ petitioner says that the reasons recorded in the note of Vice-Chancellor are not at all germane to the issue of grant of permission and, therefore, his client may be given liberty to challenge the same by filing fresh petition. He further says that his client may also be given liberty to file an appropriate application before the Andhra Pradesh State Council for Higher Education for grant of permission to start M.Sc. (Chemistry) course for the session 2006-2007.

In view of the statements made by the learned counsel for the parties, the appeal is disposed of with the following directions:

1. Within seven days from today the University shall communicate to the appellant substance of the decision taken by the Vice-Chancellor on 03-9-2005.

2. The writ petitioner (respondent No.1 herein) shall be entitled to challenge the aforementioned decision of the Vice-Chancellor.

3. The writ petitioner (respondent No.1 herein) shall also be entitled to file application before Andhra Pradesh State Council for Higher Education for grant of permission to start M.Sc. (Chemistry) course for the session
   2006-2007.

As a sequel to the disposal of the appeal, W.A.M.P. No.3575 of 2005 and W.A.V.M.P. No.519 of 2006 are disposed of as infructuous.

G.S. SINGHVI, CJ

Date: 27-03-2006

G. BHAVANI PRASAD, J

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